

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEATRIUS BURKS,

Plaintiff,

Case No. 14-cv-13331

v.

HONORABLE STEPHEN J. MURPHY, III

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION (document no. 21),
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (document no. 10),
AND GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (document no. 13)

The Commissioner of the Social Security Administration ("SSA") denied the application of Deatrius Burks ("Burks") for Supplemental Security Income and Disability Insurance Benefits in a decision issued by an Administrative Law Judge ("ALJ"). See Administrative Record ("A.R.") 41–51, ECF No. 6-2. After the SSA Appeals Council declined to review the ruling, Burks appealed. The Court referred the matter to Magistrate Judge Patricia T. Morris and the parties filed cross-motions for summary judgment. See Mot. Summ. J., ECF Nos. 10, 13. The matter was reassigned to Magistrate Judge Anthony P. Patti, who issued a Report and Recommendation ("Report") suggesting the Court deny Burks's motion and grant the Commissioner's motion. Report, ECF No. 21.

Civil Rule 72(b) governs review of a magistrate judge's report and recommendation. De novo review of the magistrate judge's findings is only required if the parties "serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2). Because neither party filed objections, de novo review of the Report's conclusions is not required. After reviewing the record, the Court finds that the magistrate

judge's conclusions are factually based and legally sound. Accordingly, the Court will adopt the Report's findings, deny Burks's motion for summary judgment, and grant the Commissioner's motion for summary judgment.

ORDER

WHEREFORE, it is hereby **ORDERED** that the magistrate judge's Report and Recommendation (document no. 21) is **ADOPTED**.

IT IS FURTHER ORDERED that Burks's Amended Motion for Summary Judgment (document no. 10) is **DENIED**.

IT IS FURTHER ORDERED that the Commissioner's Motion for Summary Judgment (document no. 13) is **GRANTED**.

IT IS FURTHER ORDERED that this case is **DISMISSED WITH PREJUDICE**.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: March 3, 2016

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 3, 2016, by electronic and/or ordinary mail.

s/Carol Cohron
Case Manager